IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36488 of 2007(R)

PETITIONER:

T.K.RAJENDRAN, PROPRIETOR,
M/S.RAJESH TRANSPORT, KANNUR.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
KASARAGODE.

2. THE REGIONAL TRANSPORT OFFICER,
KANNUR.

3. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANISATION, KANNUR.

4. KERALA MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, REPRESENTED BY ITS EXECUTIVE
OFFICER, KANNUR.

BY GOVERNMENT PLEADER SRI.GOVINDAN
SRI.R.SUDHIR, SC, PF KANNUR
SRI.PAULSON C.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 36488 OF 2007 R
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Dated this the 11th day of December, 2007

J U D G M E N T

Petitioner submits that his establishment is covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. On this basis, it is submitted that respondents 1 and 2 are not entitled to insist on the production of a clearance certificate issued by the 4th respondent for accepting Motor Vehicle Tax that is due from the petitioner.

2. Petitioner has produced as Ext.P1, a certificate issued by the Employees' Provident Fund Organisation, to prove the coverage of his establishment and Ext.P2 shows that remittance has been made even as on 20/11/07. If that be the factual position, petitioner is right in contenting that he is entitled for exemption as contemplated in Section 4 of the Kerala Motor Transport Workers Welfare Fund Act. Hence the demand for production of clearance certificate cannot be justified.

In view of the aforesaid facts, I dispose of this writ petition directing that respondents 1 and 2 shall accept the Motor Vehicles Tax in respect of the vehicles owned by the petitioner without insisting on the production of a clearance certificate from the 4th respondent.

ANTONY DOMINIC, JUDGE.

Rp